

CHAPTER NO. 771

HOUSE BILL NO. 3404

By Representative Hargrove

Substituted for: Senate Bill No. 3317

By Senator Burks

AN ACT to amend Tennessee Code Annotated, Title 34, Chapter 1, Part 1; Title 34, Chapter 3, Part 1 and Title 34, Chapter 6, Part 2, relative to guardianship.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 34-1-107(f), is amended by deleting the first sentence of the subsection and substituting instead the following:

The guardian ad litem shall make a written report to the court at least three (3) days prior to the date set for hearing the matter, which time period may be waived in the judge's discretion.

SECTION 2. Tennessee Code Annotated, Section 34-6-204(a)(2), is amended by deleting it in its entirety and substituting instead the following new subsection:

(A) Notwithstanding the provisions of the Uniform Durable Power of Attorney Act, title 34, chapter 6, part 1, if a court appoints a conservator, guardian of the estate or other fiduciary, such fiduciary shall not have the power to revoke or amend a durable power of attorney for healthcare nor replace the attorney in fact designated in such power of attorney.

(B) Upon application and good cause shown, when appointing such fiduciary, a court may revoke or amend a durable power of attorney for health care or replace the attorney in fact designated in such power.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 10, 2004



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of May 2004



PHIL BREDESEN, GOVERNOR